

REMARKS

Claims 1-56 remain pending in the present application. Claims 1-56 are rejected.
No new matter has been added.

Claim Rejections - 35 U.S.C. §102(a)

Claims 1, 2, 4-21, 23-38 and 40-56

The present office action states that Claims 1, 2, 4-21, 23-38 and 40-56 are rejected under 35 U.S.C. § 102(a) as being anticipated by Lee et al. (US PUB 2003/0225701), hereinafter “Lee”.

Applicants have reviewed Lee and respectfully submit that the embodiments of the present invention as recited in Claims 1, 1, 2, 4-21, 23-38 and 40-56 are not anticipated by Lee for the following reasons.

Applicants respectfully submit Claim 1 (and similarly Claims 21 and 37) includes the features, “a method for controlling presentation of a computer readable media of a media storage device, said method comprising:

verifying the presence of a media presentation mechanism and a usage compliance mechanism on a computer system, said usage compliance mechanism comprising a file system filter driver for controlling data reads associated with said computer readable media, said media presentation mechanism communicatively coupled with said usage compliance mechanism;

performing a first decryption of said computer readable media with said file system driver; and

performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.” (emphasis added).

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single

prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants have reviewed Lee and do not understand Lee to anticipate the feature, “performing a first decryption of said computer readable media with said file system driver; and

performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.” (emphasis added).

Additionally, beginning at the bottom of page 2 through the first paragraph of page 3, the present Office Action states “[p]erforming a first decryption of said computer readable media with said file system driver (Lee: [0100]: the header portion is decrypted in order to extract content key and usage rules); and performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption (Lee: [0102]: the content is decrypted using the content key residing in the decrypted header portion).” (Emphasis added).

1. Applicants respectfully submit that the Office Action has not provided a prima facie case of anticipation for every element as set forth in the claim, including the feature, “performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.”

For example, at item 27 the Office Action states, “Regarding applicant’s remarks, applicant mainly argues that the prior art of record does not explicitly disclose “performing a first decryption with said file system driver; and performing a second decryption of said computer readable media ... said second decryption is different from

and unrelated to said first decryption". However, the examiner disagrees. The prior art of record discloses first decrypting the file header to retrieve content key and usage rule and then use the content key and usage rule as second decryption to decrypt the content (Lee: [0102]). Based on broadest interpretation of the claim as presented, the first and second decryption are indeed different and unrelated because they keys required for each decryption are different." (Emphasis Added)

Applicants respectfully submit that based on the above statements, e.g., use the content key and usage rule retrieved from the first decryption as the second decryption. In other words, Applicants respectfully understand the Office Action to show that the second decryption of Lee is directly related to the first decryption.

For this reason, Applicants respectfully submit that Lee does not anticipate the features as recited in independent Claims 1, 21 and 37.

2. With respect to the statement at item 27, the Office Action states, "Based on broadest interpretation of the claim as presented, the first and second decryption are indeed different and unrelated because they keys required for each decryption are different." (Emphasis Added)

Applicants respectfully submit that the Claims 1, 21 and 37 include the features, "performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption." (Emphasis Added)

The Office Action only addresses the claimed feature, "a second decryption different from said first decryption." However, the Office Action does not address the claimed feature, "a second decryption unrelated to said first decryption." In contrast, the Office Action clearly describes Lee as providing a relationship between the second decryption and the first decryption. Specifically, use the content key and usage rule retrieved from the first decryption as the second decryption. In other words, Applicants

respectfully understand the Office Action to show that the second decryption of Lee is directly related to the first decryption.

For this additional reasoning, Applicants respectfully submit that Lee fails to anticipate each and every element as recited in independent Claims 1, 21 and 37. As such, Applicants respectfully submit that Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §102(a), and are thus in condition for allowance.

3. At page 9 item 27, the Response to Arguments states, item 27, the Office Action states, “Based on broadest interpretation of the claim as presented, the first and second decryption are indeed different and unrelated because they keys required for each decryption are different.” (Emphasis Added)

In the previous response to an Office Action filed on May 4, 2009 Independent Claims 1, 21 and 37 were amended to clearly recite the feature, “performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.”

According to **MPEP 2111**, “During patent examination, the pending claims must be “given their broadest reasonable interpretation consistent with the specification.” >The Federal Circuit’s en banc decision in *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the “broadest reasonable interpretation” standard:

The Patent and Trademark Office (“PTO”) determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction “in light of the specification as it would be interpreted by one of ordinary skill in the art.” In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004). Indeed, the rules of the PTO require that application claims must “conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description.” 37 CFR 1.75(d)(1).” (Emphasis added).

MPEP 2173.05(a) states, “The meaning of every term used in a claim should be apparent from the prior art or from the specification and drawings at the time the application is filed. Applicants need not confine themselves to the terminology used in the prior art, but are required to make clear and precise the terms that are used to define the invention whereby the metes and bounds of the claimed invention can be ascertained. During patent examination, the pending claims must be given the broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); *In re Prater*, 415 F.2d 1393, 162 USPQ 541 (CCPA 1969). See also MPEP § 2111 - § 2111.01. When the specification states the meaning that a term in the claim is intended to have, the claim is examined using that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).” (Emphasis added)

MPEP 2106 (II)(C) states, “USPTO personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). (Emphasis added)

MPEP 2106 (II)(C) goes on to state, “Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. *Toro Co. v. White Consolidated Industries Inc.*, 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999) (meaning of words used in a claim is not construed in a “lexicographic vacuum, but in the context of the specification and drawings.”). (Emphasis added)

Applicants submit that the Specification clearly defines claimed features including page 113 lines 4-13 “It is noted that when the media (e.g., 2001) of media storage device 999 is encrypted utilizing multiple different encryptions (e.g., 1351 and 2351), the media is more secure against those with dishonest and/or unlawful interests. For example, a person/hacker may attempt to gain access to the content by breaking the

second encryption (e.g., 2351) applied to a media content (e.g., 2001). However, if they are successful, the remaining encryption, (e.g., 1351) remains unbroken by virtue of the differing encryptions. Therefore, the person/hacker would have to perform the entire encryption breaking process again to access media content 2001 on media storage device 999.” (Emphasis added).

Therefore, it is respectfully submitted that the features “second decryption different from and unrelated to said first decryption” are terms that are clearly defined in the Specification as being different and unrelated.

Thus, Applicants respectfully contend that the Specification states the meaning that the features “second decryption different from and unrelated to said first decryption”, found in the Claims, is intended to have.

As such, Applicants respectfully submit the Claim must be examined using the meaning, in order to achieve a complete exploration of the Applicant's invention and its relation to the cited reference.

For this further reasoning, Applicants respectfully submit that Lee fails to anticipate each and every element as recited in independent Claims 1, 21 and 37. As such, Applicants respectfully submit that Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §102(a), and are thus in condition for allowance.

With respect to Claims 2, 4-20, 23-36, 38 and 40-56, Applicants respectfully point out that Claims 2, 4-20, 23-36, 38 and 40-56 depend from allowable independent Claims 1, 21 and 37 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2, 4-20, 23-36, 38 and 40-56 overcome the rejections under 35 U.S.C. §102(a), and that these claims are thus in a condition for allowance as being dependent on allowable base claims.

Claim Rejections - 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected Claims 3, 22 and 39 under 35 U.S.C. §103(a) as being unpatentable over Lee. Applicants have reviewed Lee and respectfully submit that the embodiments of the present invention as recited in Claims 3, 22 and 29 are not rendered obvious in view of Lee for the following reasons.

4. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (MPEP 2143.03).

For the reasons provided herein and incorporated in their entirety herein, Applicants respectfully submit Lee fails to teach or render obvious each and every element as recited in independent Claims 1, 21 and 37.

Furthermore, no evidence or prior art has been provided to overcome the failure of Lee to teach or render obvious the claimed features, “performing a first decryption of said computer readable media with said file system driver; and performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.” (emphasis added).

As such, Applicants respectfully submit that Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §103(a), and are thus in condition for allowance.

5. Applicants respectfully submit in order to establish a *prima facie* case of obviousness, the prior art must suggest the desirability of the claimed invention (MPEP 2142). In particular, “if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious” (emphasis added) (MPEP 2143.01; *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)).

Specifically, Applicants do not understand Lee to teach or render obvious the claimed features, “performing a first decryption of said computer readable media with said file system driver; and performing a second decryption of said computer readable media and presenting said computer readable media with said media presentation mechanism, said second decryption different from and unrelated to said first decryption.” (emphasis added).

Instead, Applicants understand Lee, based on the reasoning provided in the response to arguments item 27 of the present Office Action, to teach “The prior art of record discloses first decrypting the file header to retrieve content key and usage rule and then use the content key and usage rule as second decryption to decrypt the content (Lee: [0102]).” (Emphasis Added)

In other words, Applicants respectfully understand the Office Action to state that the second decryption of Lee is directly related to the first decryption. As such, Applicants respectfully submit the modification of Lee such that the second decryption is **different from and unrelated to** the first decryption would fundamentally change the principal of operation of Lee.

Therefore, Applicants respectfully submit that Independent Claims 1, 21 and 37 overcome the rejections under 35 U.S.C. §103(a), and are thus in condition for allowance.

With respect to Claims 3, 22 and 39, Applicants respectfully point out that Claims 3, 22 and 39 depend from allowable independent Claims 1, 21 and 37 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 3, 22 and 39 overcome the rejections under 35 U.S.C. §103(a), and that these claims are thus in a condition for allowance as being dependent on allowable base claims.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-56 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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